

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-vs-

MOTION TO EXTEND TIME
15-CR-9

MARCELLUS OVERTON,

Defendant

PLEASE TAKE NOTICE that upon the annexed affirmation of E. Carey Cantwell, the defendant Marcellus Overton will move this court for an extension of time to make motions in the above matter. It is respectfully requested that an additional 90 days be granted.

Dated: October 1, 2015
Buffalo, New York

Respectfully submitted,

/s/ E. Carey Cantwell
E. Carey Cantwell
E. Carey Cantwell, P.C.
295 Main Street, Suite 984
Buffalo, NY 14203
Tel: (716) 853-1300
Fax: (716) 853-1303

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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-vs-

AFFIRMATION
15-CR-9

MARCELLUS OVERTON,

Defendant

E. Carey Cantwell, Esq., affirms to be true and states under penalty of perjury as follows:

1. I am the attorney for the Defendant, Marcellus Overton, and I represent the defendant in the above-captioned action and as such, am familiar with the facts herein.
2. That there is currently a pending motion to set aside a conviction on a related matter in Cheektowaga Town Court returnable on November 25, 2015.
3. That I have contacted Assistant U.S. Attorney John E. Rogowski and he has no objections to the 90 day extension.

WHEREFORE, the defendant respectfully prays for additional time to file motions.

/s/ E. Carey Cantwell

UNITED STATES DISTRICT COURT
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MARCELLUS OVERTON,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2015, I electronically filed the foregoing Motion to Extend Time with the Clerk of the District Court using CM/ECF system which would then electronically notify all CM/ECF participants on this case.

/s/ Nichelle Lowe